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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/158,728	09/22/1998	STEVEN CRAIG WEIRATHER	2419-US-B1	4296

63543 7590 06/22/2009
AVERY DENNISON CORPORATION
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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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06/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/158,728	WEIRATHER ET AL.	
	Examiner	Art Unit	
	ALICIA CHEVALIER	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 548-567, 569-584, 586, 588, 590-627, 629-662, 664, 666-695 and 697-729 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 548-567, 569-584, 586, 588, 590-627, 629-662, 664, 666-695 and 697-729 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/29/08 and 11/19/08</u> . | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 548-567, 569-584, 586, 588, 590-627, 629-662, 664, 666-695 and 697-729 are pending in the application, claims 1-547, 568, 585, 587, 587, 589, 628, 663, 665, 696 and 730-739 have been cancelled.

2. Amendments to the specification and claims, filed on November 3, 2008, have been entered in the above-identified application.

Election/Restrictions

3. Applicant's election without traverse of Group I in the reply filed on February 24, 2009 is acknowledged.

REJECTIONS REPEATED

4. The objections to the claims are repeated for reasons previously made of record in the office action mailed October 9, 2007, pages 2-3, paragraphs #4-#8.

5. The 35 U.S.C. §103 rejection of claims 548-567, 569-571, 577, 578, 580-584, 586, 588, 590-611, 617, 618, 620-627, 629-649, 655, 656, 658-662, 664, 666-680, 683, 684, 686-695, 697-714, 719, 720 and 722-729 as over McKillip (U.S. Patent No. 5,462,488) in view of Popat et al. (U.S. Patent No. 5,407,718) is repeated for reasons previously made of record in the office action mailed October 9, 2007, pages 6-57, paragraph #14.

6. The 35 U.S.C. §103 rejection of claims 572, 573, 612, 613, 650, 651, 681, 682, 715 and 716 over McKillip in view of Popat and further in view of Hickenbotham et al. (U.S. Patent No.

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4,704,317) is repeated for reasons previously made of record in the office action mailed October 9, 2007, pages 57-58, paragraph #15.

7. The 35 U.S.C. §103 rejection of claims 574-576, 614-616, 652-654, 717 and 718 over McKillip in view of Popat and further in view of Klein (U.S. Patent No. 5,198,275) is repeated for reasons previously made of record in the office action mailed October 9, 2007, pages 58-59, paragraph #16.

8. The 35 U.S.C. §103 rejection of claims 579, 619, 657, 685 and 721 over McKillip in view of Popat and further in view of Carlson (U.S. Patent No. 5,842,722) is repeated for reasons previously made of record in the office action mailed October 9, 2007, pages 59-60, paragraph #17.

ANSWERS TO APPLICANT'S ARGUMENTS

9. Applicant's arguments in the response filed November 3, 2008 regarding the 35 U.S.C. §103 rejection over McKillip (U.S. Patent No. 5,462,488) in view of Popat et al. (U.S. Patent No. 5,407,718) of record have been carefully considered but are deemed unpersuasive.

Applicant argues that the deadener 70 is not between the film layer and the continuous sheet. Rather, the deadener is between the facestock and the adhesive 28. Thus the continuous sheet is not directly adjacent to the film layer.

The examiner respectfully disagrees, since McKillip clearly teaches in col. 4, lines 14-17: The adhesive deadener serves to preclude adhesion of adjacently positioned portions of the top surface of the first layer of material to the bottom surface of the second layer of material. The first material is reference #22, figure 6, e.g. the continuous sheet, and the second layer of

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material being references #20, which includes the cardstock and the adhesive with deadened film layer portion (*col. 7, lines 15-30*). Therefore, the deadener is between the bottom of the second layer of material, e.g. on the bottom of the adhesive 28, and the top surface of the first layer of material the continuous sheet. Thus the region is free of adhesive and since the adhesive is not longer adhesive at the interface it forms an adhesive and film layer. The deadened portions of the adhesive are now just a film layer. Thus, the continuous sheet is directly adjacent the film layer and this is where delamination occurs.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alicia Chevalier/
Primary Examiner, Art Unit 1794
6/22/2009